

MBTA COMMUNITIES

ZONING FOR MULTIFAMILY HOUSING IN ARLINGTON



General Overview

What is MBTA Communities / Section 3A?

The [MBTA Communities law](#), or Section 3A, requires that 177 communities in eastern MA with access to MBTA service, including Arlington, amend their zoning to allow multi-family housing. The goal is to address the housing crisis by encouraging new housing production in close proximity to public transportation. Informed by community input and existing Town priorities, volunteer residents in the MBTA Communities Working Group have developed a proposed zoning district that extends throughout our community from Arlington Heights to East Arlington and encourages multi-family housing in a variety of sizes and price points, near transit, retail, and other services.

How does Arlington's MBTA Communities / Section 3A plan relate to other Arlington housing production plans?

By allowing multi-family housing near transit or services, we can accomplish several goals laid out in the Master Plan, Housing Production Plan, Net Zero Action Plan, Connect Arlington – Sustainable Transportation Plan, Fair Housing Action Plan, Affordable Housing Trust Action Plan and the Community Equity Audit, including:

- Better access to work, services, and other destinations
- More housing closer to the places that we go every day
- Increased demand for retail in walkable neighborhoods
- Reducing reliance on single-occupancy vehicles
- Housing choice for empty nesters, adult children, first-time homeowners, etc.

What does "by-right" mean?

The MBTA Communities / Section 3A law requires Arlington to have at least one zoning district of reasonable size in which multi-family housing (any residential property containing three or more housing units) is permitted by-right. By-right means that a discretionary special permit is not part of the process of project approval. Construction of any new development will still require applying for a building permit, submitting plans, and completing inspections. Individual property owners will have the option to decide if they want to redevelop their property under the new zoning. No property owner is required to change their property or develop new housing.

What does "capacity" mean?

Zoning capacity is meant to measure whether a zone is of "reasonable size." Capacity is not trying to measure how much new housing will be built. The state's compliance model results calculated how many homes could exist in the proposed district if somehow every existing home were removed, and if every



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lot was built to the absolute maximum, and if every home was a 1,000 square foot apartment.

What is zoning? What is a zoning overlay?

Arlington has rules about what you can build where. These rules make up our zoning laws. Our zoning law has two basic parts: zoning that governs possible building uses and zoning that governs the size and shape of buildings in the zone. An overlay zone or district is a zoning district that "lies" on top of the existing zoning. It identifies special provisions in addition to those in the underlying zone. Under the proposal each property would continue to have the existing base zoning, and another new zoning, the overlay, would also be available.

What does "setback" mean? Is a "step-back" different?

A "setback" is the minimum distance from the lot line to a building. Sidewalks are generally public property and are in addition to any front setback. A "step-back" is an additional setback applied to upper stories of a building.

What percentage of new housing will be affordable?

Arlington's current zoning requires that 15% of dwellings be affordable (i.e. income-restricted) in new multi-family buildings with six dwellings or more. There has been significant public support for allowing multi-family housing at that scale in the MBTA Communities districts to trigger affordability requirements. Under Section 3A's guidance, municipalities must provide justification for affordability requirements greater than a rate of 10%. The Department of Planning and Community Development has contracted for the necessary feasibility analysis showing that our current 15% rate is economically viable, and we expect that our 15% inclusionary zone will be acceptable to the State. The proposal from the Working Group also includes incentives for a higher percentage of affordable dwellings.

Will buildings in the MBTA Communities Zone be required to be all electric?

By complying with MBTA Communities, Arlington will have the opportunity to participate in the Fossil Fuel-Free Demonstration Program, which would enable Arlington to require all-electric buildings everywhere in town, including any MBTA Communities Zone. Arlington has already opted in to the Specialized Stretch Energy Code, which imposes the highest energy efficiency requirements available to municipalities and also offers a Passive House pathway that buildings may pursue.

Will there be an impact on our public schools? Do our schools have the capacity for more students?

School enrollment is peaking and is expected to decline in coming years. The Working Group heard from both community members and the School Department that it was important not to cluster a district in the catchment area for a small number of elementary schools. The proposal from the Working Group is spread across all the current catchment areas for the elementary schools and gives the Department flexibility to continue to use buffer zones to manage any future changes in enrollment:

"The efforts of the MBTA Communities Working Group to spread the multi-family overlay across Town will lessen impact to a single school. There is a definite benefit to advance planning for housing so that the School administration has a framework to evaluate the



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future school-age population and determine long-term strategy.”

“The shortage of housing in Arlington at a variety of price points is one of the things that makes it challenging for us to recruit and retain quality staff, especially for our lower paid positions. Many applicants cannot afford to live in Arlington and are forced to weigh the cost of commuting into Arlington versus the salary offered. Unfortunately many of them decide that it's just not cost effective.”

- Dr. Elizabeth Homan, Superintendent, Arlington Public Schools

Can our existing sewer system handle more residents?

Arlington’s current population is several thousands less than its peak in the 1970s. The Town’s Engineering Department has confirmed that the Town’s infrastructure can support the additional residents that could result from the creation of the MBTA Communities districts. Furthermore, because the districts will likely be on land that is already developed, additional housing will only be created if/when property owners choose to redevelop – a slow process of change that will take place incrementally over the coming decades.

What about traffic and parking?

One of the primary goals of encouraging development near transit and along or near commercial corridors is to reduce reliance on cars, and to make cycling and walking more convenient. By building more housing with convenient access to public transportation and commercial and civic opportunities, we give people more choice in how they get to work, school, shopping, and leisure opportunities, reducing the need to drive for every trip.

What about trees, private green space, and open space?

One of the general principles of the MBTA Communities law is to “minimize impacts to sensitive land.” The MBTA Communities law does not override state or local environmental regulations. New development that may occur within the multi-family district still needs to comply with all applicable state and local provisions. More specifically, there is no public open space included in the proposed zoning changes. Additionally, the Arlington Redevelopment Board has proposed Article 10, which would expand our existing street tree bylaw into all residential districts (including any created as part of MBTA Communities) if approved by Town Meeting.

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& Affordable Housing

Will there be Affordable Housing requirements under the proposal?

Arlington currently requires 15% (one in six) affordable units in developments of six dwelling units or more, priced for 60% of the area median income. The proposed zoning will maintain this requirement. Arlington must provide an economic feasibility analysis to the State showing that a variety of multi-family housing types can be feasibly developed under these requirements. The Department of Planning and Community Development has contracted for the necessary feasibility analysis showing that our current 15% rate is economically viable, and we expect that our 15% inclusionary zone will be acceptable to the State.

In addition to the requirements, the proposal provides incentives for additional affordable housing along Mass Ave and Broadway. A fifth story of residences can be built if 22.5% of the entire building is affordable. On Mass Ave only, a sixth story can be built if 25% of the building is affordable units.

Will the MBTA Communities (MBTA-C) proposal create affordable housing?

Any housing built under the proposal with six or more units will be required to provide 15% affordable units. Under the proposal we expect there to be opportunities to build housing with six or more units, so it is likely that affordable housing will be produced. Additionally, the proposal includes an affordable housing bonus on Mass Ave and Broadway which allows additional height in return for additional affordable units.

What is the Affordable Housing bonus?

In addition to the 15% requirement, the proposal provides incentives for additional affordable housing along Mass Ave and Broadway. A fifth story of residences can be built if 22.5% of the entire building is affordable. On Mass Ave only, a sixth story can be built if 25% of the building is affordable units.

What does "Affordable" Mean?

One way to consider whether housing is affordable is by looking at how much of a household's income is consumed by housing costs. Generally, a family that pays more than 30% of their income for housing is considered "housing cost burdened."

In keeping with our current zoning in Arlington, affordable housing under the proposal will be priced to be affordable to a household at 60% of Area Median Income for rentals, and 70% of median income for homeownership. "Affordable" is defined as paying 30% of income for housing costs. According to income limits set by the Department of Housing and Urban Development, 60% of the Boston-Cambridge-Quincy, MA-NH Area median income is \$62,340 for a household of one and \$80,160 for a household of three.



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& Open Space

Will more development make environmental problems worse?

Arlington is a heavily urbanized area that was built over the centuries without the environmental protections required today. Redevelopment affords the opportunity to make improvements to the existing built environment. This includes serious threats from climate change like stormwater management, flooding, and extreme heat. It also includes quality of life concerns like what neighborhoods in Arlington look and feel like. These important criteria have been considered in the MBTA Communities discussion. As a result, future multi-family development will be concentrated outside of the floodplain. New buildings will need to meet Town stormwater management requirements. Through a mix of requirements and incentives, developments will add street trees, plant gardens, and make other street level improvements with environmental benefits.

Will the overlay zone reduce the amount of public open space in Arlington?

The amount of public open space in Arlington will not change. In fact, the zoning overlay will only affect areas that are already developed. Arlington is a vibrant and diverse community, and public open spaces are an important part of what makes it special. They provide places for people of all ages and abilities to come together, enjoy the outdoors, and connect with nature. The Town's open spaces enjoy certain protections against redevelopment under local zoning and state law. Arlington is committed to protecting these spaces for future generations and will continue to work with residents to ensure that the town remains a livable and sustainable community.

Will adding housing capacity to Arlington negatively affect residents' access to Town open space?

Housing capacity is proposed to be added along Mass Ave and Broadway, Arlington's two major thoroughfares. New residents will be able to enjoy the amenities that the Town provides, including access to open space. Public spaces are maintained for residents' use. The Recreation Department and Department of Planning and Community Development regularly review the number and quality of public open spaces. The Town is committed to ensuring the same quality of life for all residents, new and old.

Will MBTA Communities developments skirt local environmental regulations?

Arlington's MBTA Communities proposal is designed to minimize impacts to sensitive land, and it does not override state or local environmental regulations. New development that may occur within the multi-family district will still need to comply with all applicable state and local provisions. These include our Tree Bylaw, the Wetlands Protection Bylaw, and environmental considerations in the Zoning Bylaw, among others.



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& Social Justice

Why does MBTA Communities Legislation 3A matter from a social justice perspective?

MBTA Communities Legislation 3A matters from a social justice perspective because of the history and context of housing in our local area, as well as in the whole of the United States. After the passage of state and local fair housing laws made discrimination in the sale and rental of housing on the basis of factors such as race, color, familial status, and sex illegal, zoning laws became a tool by which municipalities decided who was included and who was excluded from housing opportunities. The legacy of these earlier choices is still woven into the fabric of the Greater Boston Area today where there are substantial gaps between homeownership rates, approval for loans, and income between white residents and residents of color. The [MBTA Communities law was created in direct response to zoning laws that limit or prevent the construction of multi-family housing](#), which have produced high-cost, low density housing.

What is the history of multi-family housing development in Arlington?

The Town's first Zoning Bylaw, adopted in 1924, allowed for apartment construction in three large business zones along Massachusetts Avenue. Allowed apartment use was expanded in the years following World War II as Arlington, and other suburbs across the area, worked to accommodate new families and increase tax revenue. These multi-family homes can still be seen on Mass Avenue, although they could not be developed under today's zoning laws.

Following the desegregation movement and the passage of the Fair Housing Law, integration became a real prospect for Arlington and its suburban neighbors. The resulting tension created an increasingly organized anti-development movement in the 1960s and 1970s that employed both subtle and explicit racially discriminatory language to halt new apartment development. In 1975 the Town of Arlington instituted a year-long moratorium on new multi-family housing production, and the following year instituted a complex Zoning Bylaw that curtailed the ability to develop any type of housing that wasn't single family and higher cost. Along with restrictions on height, density, lot size and parking, the new bylaw also elevated the right of individual abutters, "essentially creating a new property right whole cloth: the right to exclude" ([Arlington Fair Housing Action Plan 2021](#)). This preference for single-family zoning has persisted throughout the decades, even expanding in the 1990s. Amending our current zoning means relegating the type of properties that were constructed during the earlier part of last century and providing opportunity to people who were historically excluded.



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How does MBTA Communities intersect with the Town's equity goals?

In 2023 the Town of Arlington completed a Community Equity Audit. One recommendation is for the Town to “address restrictive policies for residential zoning districts in order to allow for desegregation” by removing “the requirement for a special permit to develop multifamily units” and allowing for “development of multifamily housing in the R0 and R1 zoning districts” (recommendation #12).

The Fair Housing Action Plan, completed in 2021, encourages the Town to “allow two-family development by right in nominally single-family districts where two-family dwellings were historically commonplace; allow three-family, townhouse, and multifamily housing options by right in districts nominally meant for them” and “ensure zoning complies with new state-level requirements for MBTA communities.”

Wouldn't it be more equitable to build affordable housing?

We need **all** types of housing to create a thriving housing market. The MBTA Communities legislation aims to produce “missing middle” housing, the housing stock between a detached single-family house and a big apartment building, as a key part of the housing puzzle. Without this community asset, anyone who makes a middle income cannot access the housing market in Arlington where the median cost of a home, according to available census data, was \$787,000 from 2017-2021, and rent was \$1,797 in the same period. Regardless of protected status, it would be difficult for the average Arlington household to afford a home in town today. The median salary of a Black or Latino household in our region (\$43,060 and \$43,882, respectively) is significantly below what is needed to own in Arlington. The current lack of missing middle housing has played a part in higher competition for properties, unattainable housing prices, and lack of movement across housing types, which negatively impacts our most burdened residents.

Why zone along Mass Avenue and Broadway, isn't that where most of the density already is?

The decision to zone along Mass Avenue follows the value of transit-oriented development and allows for more access to employment, retail, and services. There is a tension here: locating multi-family housing in areas where there are historical patterns of residents from the global majority could reinforce historic segregation, but there is also greater access to opportunity than in single-family neighborhoods. The current proposal is just one part of the solution; providing opportunities for additional housing throughout the town is an additional way to achieve greater equity.



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& Transportation

Why build multi-family housing near MBTA public transit?

Building multi-family housing near public transit makes housing more accessible to those who may not be able to afford a car or prefer not to use one. It also encourages walkable and bikeable neighborhoods where residents can access daily needs, like local shops, jobs, schools, restaurants, parks, etc. Housing near transit reduces the need to use a car for short trips, which can **reduce** traffic congestion, decrease carbon emissions, and improve air quality. It also stimulates economic activity by creating more opportunities for people to shop at Arlington's local businesses.

Why isn't our proposed zoning district near the Alewife Red Line MBTA Station?

Much of the area surrounding the Alewife Red Line MBTA Station is located in a floodplain. The Working Group wished to avoid floodplains in the overlay and the results of its Spring survey showed that the community held the same desire. The State reclassified Arlington as an Adjacent Community because it has less than 100 acres of developable land near a rapid transit station. The Town's proposed zoning districts are located along MBTA bus routes that connect directly to MBTA Rapid Transit Stations on the Green and Red Lines, including the Alewife, Davis, Porter, Union Square, and Lechmere stations.

What public transportation is located near the proposed zoning districts?

Multiple MBTA bus routes run adjacent to the proposed zoning districts on Mass Ave and Broadway, and will provide high to medium service frequency as part of the MBTA Bus Network Redesign. Route 77 will provide daily service from Arlington Heights to the Harvard Square Red Line Station via Massachusetts Avenue every 15 minutes or better from 5:00 am to 1:00 am. Route 87 will run daily from Arlington Center to the Lechmere Green Line Station via Broadway every 60 minutes or better from 6:00 am to 7:00 pm. Routes 67 and 62 will also provide service to the Alewife Red Line Station via Mass Ave, Park Ave, and Route 2 at varying frequencies.

What is the Town doing to improve MBTA bus service?

The Town is advocating for increased MBTA service while retrofitting our own roadways to improve the efficiency of bus routes. Arlington is currently working with the MBTA to install Transit Signal Priority (TSP) equipment at intersections along Mass Ave that will detect approaching buses and keep the signal green longer so they can pass through, resulting in improved travel times and increased reliability. The MBTA has also made progress hiring more bus operators to support the increased frequency projected in the [Bus Network Redesign](#). The quality and frequency of MBTA bus service has varied over time, but the Town is actively working with the MBTA to plan gradual improvements to bus service for the future.



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Will there be increased traffic congestion and worsened parking availability?

Housing in transit-friendly, bikeable, and walkable neighborhoods encourages people to drive less because almost all daily needs can be met without a vehicle. By supporting those who would like to walk, bike, or take transit, the Town can manage traffic congestion by providing reliable alternatives to the car to ensure people and goods are able to move about with minimal trip delays.

What is the Town doing to make walking and biking more appealing to reduce single-occupancy vehicle trips?

The [Connect Arlington – Sustainable Transportation Plan](#) has as vision for the Town to create a pedestrian first, walk-friendly environment along with a low-stress bicycle network. Arlington's Sidewalk Improvement Program is working to ensure that the Town's pedestrian network is safe, connected, and proactively maintained. Efforts are also underway to develop a highly connected network of dedicated bike lanes to encourage bicyclists of varying levels of experience and comfort to move around. The [Minuteman Bikeway Planning Project](#) also includes recommendations to improve the Bikeway so that it is a safe, pleasant, and low-stress path for all ages and abilities. These planning documents will be implemented over time and future projects will help incentivize walking and biking over single-occupancy vehicle trips.



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& The Fossil Fuel-Free Building Demonstration Program / Climate Change Mitigation

What is MBTA Communities / Section 3A?

The MBTA Communities law, or Section 3A, requires that 177 communities in eastern MA with access to MBTA service, including Arlington, amend their zoning to allow multifamily housing. The goal is to address the housing crisis by encouraging new housing production in close proximity to public transportation. Informed by community input and existing Town priorities, volunteer residents in the MBTA Communities Working Group have developed a proposed zoning district that extends throughout our community from Arlington Heights to East Arlington and encourages multifamily housing in a variety of sizes and price points, near transit, retail, and other services.

What is the Municipal Fossil Fuel-Free Building Demonstration Program?

In 2022, the MA legislature passed a law requiring the MA Department of Energy Resources to establish a demonstration program in which 10 municipalities in the state may adopt legislation requiring new building construction or major renovation projects to be fossil fuel free. This program responds to the efforts of several communities, including Arlington in 2020, to pass fossil fuel free bylaws and Home Rule Petitions requesting authority to prohibit the use of fossil fuels in new construction and major renovations.

How does MBTA Communities relate to the Municipal Fossil Fuel-Free Building Demonstration Program?

To participate in the Municipal Fossil Fuel-Free Building Demonstration Program, communities applying must comply with one of three affordable housing requirements by February 11, 2024. The only requirement that Arlington can meet by the deadline is compliance with the MBTA Communities law.

Why does the Municipal Fossil Fuel-Free Building Demonstration Program matter?

Nearly 92% of Town Meeting Members voted in 2020 to pass a Clean Heat Bylaw prohibiting new fossil fuel infrastructure in new construction and major renovations. Buildings are responsible for the majority of Arlington's climate change-causing greenhouse gas (GHG) emissions. By participating in the Municipal Fossil Fuel-Free Building Demonstration Program, we will ensure that new and renovated buildings in Arlington won't use fossil fuels and won't lock in new sources of GHG emissions for decades to come. This strategy is crucial to the successful achievement of local and regional GHG reduction goals, including Arlington's net zero by 2050 GHG emissions goal. Participating in the Demonstration Program also ensures that any multifamily housing built in the proposed MBTA Communities zoning district will not use fossil fuels.



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Why should Arlington be one of the ten communities to participate in the Municipal Fossil Fuel-Free Building Demonstration Program?

The Fossil Fuel Free Demonstration Program is a pilot project, intended for ten leading communities to develop and share what they learn. Because of Arlington's continued leadership around building efficiency and electrification, our community is uniquely well-positioned to participate in the program. Furthermore, there is currently no ability to enter the program later; if Arlington does not qualify to participate now, it may be several years before we could join an expanded Demonstration Program or what may follow it.

Didn't we just pass a building code that bans fossil fuels?

No. Town Meeting did vote to adopt the Specialized Stretch Energy Code in 2023, which strongly favors all-electric new construction but does not prohibit the use of fossil fuels. It also does not apply to major renovations. Only participation in the Fossil Fuel-Free Demonstration Program will allow Arlington to make new construction and major renovations fossil fuel-free.

Why doesn't the proposed MBTA Communities zoning district mandate fully electric buildings or compliance with standards like Passive House?

The MBTA Communities Compliance Guidelines clarify that proposed zoning districts that impose requirements on multifamily housing but not on other types of buildings will not be in compliance with the MBTA Communities law. Subjecting multifamily housing to requirements that are different than requirements for all other housing is discriminatory and raises equity concerns. Therefore, requiring that the buildings constructed in the MBTA Communities zoning district be fully electric or meet standards like Passive House is not allowed. However, by complying with MBTA Communities, Arlington will have the opportunity to participate in the Fossil Fuel-Free Demonstration Program, which would enable Arlington to require all-electric buildings everywhere in town. Plus, Arlington has already opted in to the Specialized Stretch Energy Code, which imposes the highest energy efficiency requirements available to municipalities and also offers a Passive House pathway that buildings may pursue.

How does MBTA Communities zoning support the Town's efforts to mitigate the impacts of climate change?

The proposed MBTA Communities zone encourages the development of multifamily housing near public transit and commercial corridors. The introduction of denser, transit-oriented housing is an explicit priority in the Town's Net Zero Action Plan (NZAP). Denser development is generally more energy efficient and encourages lifestyles with lower carbon footprints. Allowing for increased density near public transit will enable more residents to commute sustainably and reduce vehicle miles traveled. Walkable neighborhoods close to retail shops and services reduce automobile dependence. Furthermore, increasing our housing stock close to Boston addresses regional needs for more infill development rather than greenfield development which threatens natural habitats and farmland. Finally, if we do not pass an MBTA Communities zoning amendment, the State has made clear that the Town risks the loss of important funding sources, including Municipal Vulnerability Preparedness (MVP) Planning and Project Grants, which continue to provide the Town with funds for critical climate mitigation and resilience initiatives that get us closer to our goals.



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